

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAW, PERELSON, MAY & LAMBERT, LLP,

Plaintiff,

Case No. 13-CV-8494 (NSR)

-against-

FIDELITY BROKERAGE SERVICES LLC,
FIDELITY INVESTMENTS INSTITUTIONAL
SERVICES COMPANY, INC., and FIDELITY
INVESTMENTS OPERATIONS COMPANY, INC.,

Defendants.
-----X

**STIPULATION TO DISMISS IMPROPERLY NAMED FIDELITY DEFENDANTS &
ADD PROPER PARTIES DEFENDANT**

Upon counsel's representation that the following named defendants are not proper parties to this litigation, the parties agree to dismiss the following defendants without prejudice: Fidelity Brokerage Services, LLC; and Fidelity Investments Institutional Services Company, Inc. (the "Dismissed Entities"). ✓

The parties hereto also agree that Fidelity Management Trust Company ("FMTC") should be joined as a defendant. FMTC and Fidelity Investments Institutional Operations Company, Inc. ("FIIOC"), an entity already named as a defendant but incorrectly named "Fidelity Investments Operations Company, Inc." in the caption, hereby represent that they are the proper parties to this litigation. ✓

Further, FMTC and FIIOC stipulate that they will assume any liability attributable to actions, errors or omissions of the Dismissed Entities. FMTC and FIIOC also warrant that they are adequately funded, viable entities capable of assuming any financial liability of the Dismissed Entities on account of the claims asserted in the above-captioned matter.

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DATE FILED: 12/18/2013

The parties hereto agree that the Complaint shall be amended to conform to the terms stipulated herein. ✓

For Plaintiff:

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Dated: December __, 2013

By: 

Chaim J. Jaffe

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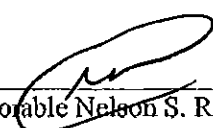
Fax: (504) 208-1759

Dated: December 17, 2013

By: 

Michael A. Frankel

✓ SO ORDERED THIS 18 DAY
OF DECEMBER, 2013.


Honorable Nelson S. Roman

12/18/13